

## REMARKS

This paper is filed in response to the Office Action mailed on March 12, 2007. Presently, Claims 1-28 are pending in the application. Claims 1-28 have been examined and stand rejected. Claims 2, 4, 6, 19, and 24 have been canceled without prejudice or disclaimer. Reconsideration of Claims 1, 3, 5, 7-18, 20-23, and 25-28 is respectfully requested.

### The Objection to the Specification

The abstract of the disclosure is objected to. A new abstract is provided. Therefore, the withdrawal of the objection is respectfully requested.

### Double Patenting Rejections

Claims 1-28 are provisionally rejected on the ground of nonstatutory obviousness type-double patenting as being unpatentable over Claims 1-2, 4-7, and 9-10 of copending application No. 10/368,953 in view of U.S. Patent No. 6,430,467 (D'Amelio et al.).

The present Claims 1 and 18 have been amended to recite a feature that not is claimed nor obvious from any claim in application No. 10/368,953, even in view of D'Amelio et al.

Accordingly, the withdrawal of the rejection is respectfully requested.

### The Rejection of Claims 1-5, 7, 11, 16, 18-22, and 27 Under 35 U.S.C. § 102(e)

Claims 1-5, 7, 11, 16, 18-22, and 27 are rejected under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over D'Amelio et al.

Claims 1 and 18 have been amended to recite packages having a marking thereon, wherein information about the product in the package is associated with the marking on the package, and that a container with a plurality of such packages includes an RFID tag, a one dimensional marking, or a two dimensional marking, wherein the RFID tag, the one dimensional marking, or the two dimensional marking also includes the information of the product in each of the plurality of packages. This amendment is supported from, at least, the application as

originally filed beginning with page 424, line 24 to page 425, line 31; and page 431, line 15 to page 432, line 17.

At most, D'Amelio et al. discloses individual product filled trays 12 that include labels. The labels may contain bar codes or other optical *indicia* which allow automated tracking and handling of formed units 10 created on the line 46. D'Amelio et al. further discloses that units 10 prepared on line 46 may then be stacked or otherwise deposited in appropriate shipping containers, deposited on transportation units such as trucks according to an automated process. (Col. 10, lines 45-57). While D'Amelio et al. discloses shipping containers, D'Amelio et al. never once discloses that the shipping containers also contain a label, bar code or other optical *indicia*, wherein the label, bar code or other optical *indicia* on the shipping container includes the information for the product in the individual trays.

For a claim to be either anticipated by or obvious in view of a prior art reference, the reference must describe or suggest each and every claim limitation. D'Amelio et al. fails to either explicitly disclose or render obvious, a shipping container including a plurality of individual packages, wherein in addition to the individual packages, the shipping container has an RFID tag, or other marking, so that not only do the individual packages have a marking, but the shipping container has an RFID tag or a marking that includes information pertaining to the product of each of the individual packages.

Applicant's invention of Claims 1 and 18, therefore, has the advantage that reading the marking of each individual package to learn the information of the product in each package is avoided by reading the RFID tag or marking on the container. D'Amelio et al. simply does not teach or suggest this feature.

Accordingly, the withdrawal of the rejection of Claims 1, 3, 5, 7, 11, 16, 18, 20-22, and 27 is respectfully requested.

The Rejection of Claims 6 and 23-24 Under 35 U.S.C. § 103(a)

Claims 6 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Amelio et al. as applied above, in view of U.S. Patent No. 5,729,697 (Schkolnick et al.). Claims 6 and 24 have been canceled without prejudice or disclaimer. Claim 23 depends from Claim 18.

As discussed above, D'Amelio et al. fails to either describe or render obvious Claim 18. Schkolnick et al. is cited for disclosing a method for buying and selling items by using RFID tags on the packages, and computing the sale price for the individual packages, and displaying the sale price on the shopping cart. Schkolnick et al. never once discloses a container containing individual packages, where not only do the individual packages have a marking, but the container also has an RFID tag or marking, so that the RFID tag or marking on the container can be read to obtain information of the products in the individual packages.

Even combining Schkolnick et al. with D'Ameilo et al. is not suggestive of Claim 18.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 8-10 and 25-26 Under 35 U.S.C. § 103(a)

Claims 8-10 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Amelio et al. as applied above, in view of U.S. Patent No. 6,544,925 (Prusik et al.).

Claims 8-10 and 25-26 depend from either Claim 1 or Claim 18.

As discussed above, D'Amelio et al. fails to either describe or render obvious Claims 1 and 18. Prusik et al. is cited for disclosing a method for packaging meat and determining whether the product has exceeded a time limit outside refrigeration, and thereby determining the shelf life. Prusik et al. never once discloses a container containing individual packages, where not only do the individual packages have a marking, but the container also has an RFID tag or

marking, so that the RFID tag or marking on the container can be read to obtain information of the products in the individual packages.

Even combining Prusik et al. with D'Amelio et al. is not suggestive of either Claims 1 or 18.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 12 and 13 Under 35 U.S.C. § 103(a)

Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Amelio et al. as applied above in view of U.S. Patent No. 6,270,724 (Woodaman).

Claims 12 and 13 depend from Claim 1.

As discussed above, D'Amelio et al. fails to either describe or render obvious Claim 1. Woodaman is cited for disclosing a method of packaging meat and testing for E-coli. Woodaman never once discloses a container containing individual packages, where not only do the individual packages have a marking, but the container also has an RFID tag or marking, so that the RFID tag or marking on the container can be read to obtain information of the products in the individual packages.

Even combining Woodaman with D'Amelio et al. is not suggestive of Claim 1.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 14 and 15 Under 35 U.S.C. § 103(a)

Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Amelio et al. as applied above, and further in view of U.S. Patent No. 6,551,182 (Caracciolo, Jr.).

Claims 14 and 15 depend from Claim 1.

As discussed above, D'Amelio et al. fails to either describe nor render obvious Claim 1. Caracciolo, Jr. is cited for disclosing a method of treating meat with a mixture of water and

ozone. Caracciolo, Jr. never once discloses a container containing individual packages, where not only do the individual packages have a marking, but the container also has an RFID tag or marking, so that the RFID tag or marking on the container can be read to obtain information of the products in the individual packages.

Even combining Caracciolo, Jr. with D'Amelio et al. is not suggestive of Claim 1.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 17 and 28 Under 35 U.S.C. § 103(a)

Claims 17 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over D'Amelio et al. as applied above, in view of U.S. Patent No. 5,774,876 (Woolley et al.).

Claims 17 and 28 depend from either Claim 1 or 18.

As discussed above, D'Amelio et al. fails to either describe or render obvious Claims 1 and 18. Woolley et al. is cited for disclosing a method for tracking a package during shipping by using GPS. Woolley et al. never once discloses a container containing individual packages, where not only do the individual packages have a marking, but the container also has an RFID tag or marking, so that the RFID tag or marking on the container can be read to obtain information of the products in the individual packages.

Even combining Woolley et al. with D'Amelio et al. is not suggestive of either Claims 1 or 18.

Accordingly, the withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendment and remarks, applicant submits that Claims 1, 3, 5, 7-18, 20-23, and 25-28 are allowable. If the Examiner has any further questions or comments, the Examiner may contact the applicant's attorney at the number provided below.

Respectfully submitted,

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